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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,914	09/29/2003	Kurt Leipold	Harman.7297	7350
50811	7590	09/26/2009	EXAMINER	
O'Shea Getz P.C. 1500 MAIN ST, SUITE 912 SPRINGFIELD, MA 01115			LAO, LUN S	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			09/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KURT LEIPOLD

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Application 10/673,914  
Technology Center 2600

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Mailed: September 28, 2009

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Before *JOYCE GUNTER-RILEY*, Review Paralegal.

GUNTER-RILEY, Review Paralegal.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on September 14, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, HEADINGS

A review of the file indicates that the Appeal Brief filed October 29, 2008 does not comply with 37 CFR § 41.37(c) because it does not contain all required heading items. Specifically, 37 CFR § 41.37 (c)(1) requires the following heading items in the following order:

- (i) *Real party in interest.*
- (ii) *Related appeals and interferences.*
- (iii) *Status of claims.*
- (iv) *Status of amendments.*
- (v) *Summary of claimed subject matter.*
- (vi) *Grounds of rejection to be reviewed on appeal.*
- (vii) *Argument.*
- (viii) *Claims appendix.*
- (ix) *Evidence appendix.*
- (x) *Related proceedings appendix.*

Upon an in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief filed April 07, 2009 and/or are not complete:

- 1) HEADINGS (iii)-(x),

A substitute brief that is in compliance with § 41.37(c) is required.  
*See also Manual of Patent Examining Procedure (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.*

## CONCLUSION

Accordingly, it is hereby

ORDERED that the application is returned to the Examiner for further consideration.

- 1) to hold the Appeal Brief filed October 29, 2008 defective;
- 2) for appellant to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the substitute Appeal Brief; and
- 4) for such further consideration

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

/jgr/

O'Shea Getz P.C.  
1500 MAIN ST. SUITE 912  
SPRINGFIELD MA 01115